

# Santa Rosa County Sheriff's Office

## Citizen's Complaint to Santa Rosa County Police

**COMPLAINT;** A Santa Rosa **Officer, Michael Vitale, told untruths verbally and in writing** to a citizen non-suspect. Redacted Police report was provided **concealing conflict** between two in officer reports. Officer Vitale advised a person on probation to break and enter my residence, though verbalized, was not **included in the report.**

**DETAILS:** Approximately 8:30pm on Jan 26, 2016, two Santa Rosa Officers came to my residence 1340 Greenvista Lane. They came with a superior attitude and escorting Shelene Odom and her two daughters. They requested to retrieve Jessica Swick's belongings. She had moved out with some of her belongings about midnight. Her things were all packed and **I willingly let her remove all her belongings. We had no idea at that time; Jessica Swick was alleging a threat and made a 911 call 19 hours after the alleged incident** Jessica then requested to search for some money she said belonged to her.

I voiced concern about the search for money and said that the money may be my Grandson's (Dakota Swick). Officer Michael Vitale stated that the money was marital asset and she was entitled to get it. I reluctantly allowed the search. During this time the same officer said "Jessica lives here and she can return and **BREAK IN** if necessary to retrieve any thing else she left. This statement made with Jessica standing in close proximity. I stated that the break in advice did not sound right and I thought he was not stating the law correctly. The officer assured me he knew the law. I informed him Jessica was on probation for grand theft. I also observed Jessica had dilated eyes which I frequently seen. I then told the officer I would consult someone who knew the law like a District Attorney. Officer Vitale failed to document in his report, this legal advice given to the home owner and the person on probation. Incidentally within 2 days of the incident, Jessica had 3 counts of VOP for drugs. Jessica again was VOP on 7/19/2016.

A second officer, Deputy Timothy Hughes, asked my wife and me whether we heard an argument on the night of the 25 Jan. We both replied no except for the car leaving. This was omitted from the report even though relevant to their investigation. I can only assume it was because it didn't support the allegation against my grandson. Officer Hughes then said he needed to speak to Dakota Swick and I replied he was not home. He asked for the address where he was, which I did not have. He provided no information about why he wanted to talk to my grandson I called my grandson and then the officer asked to speak to him. I handed him the phone. He asked Dakota if he wanted to make a statement. I and my wife were in the immediate area and could here both sides of the conversation. Dakota said he did not wish to make a statement and the issue was a marital one. Until that time I believed the officers were there to retrieve belongings. The officer repeated "Dakota you do not wish to make a statement". Dakota said no, the officer hung up and gave me the phone. The officer, my wife



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and I were the only ones in the house during the phone conversation. Dakota's sister (Cari) heard the complete conversation from Dakota's phone.

I later learned from reading the police report, Officer Michael Vitale alleges that at the end of the conversation, Dakota cursed Deputy Hughes and hung up. Attachment 1 (5pages) is the full police report. Officer Vitale was **not even in the house** during the Deputy Hughes/Dakota Swick conversation four people know that Officer Vitale statement is simply not true. Office Vitale could not have heard ANY of the conversation. Four witnesses can attest to that fact and did in court depositions. I was provided a report by District 1 office that had all of Deputy Hughes statement redacted. I later learned that Deputy Hughes report does not make the cursing allegation even though he was the one on the phone to Dakota. It is highly suspect that the Deputy Hughes portion was the portion redacted out in the copy provided to me by the Midway Police Department. The redacted report is attachment 2 (5 pages).

The Officer Vitale portion of the police report also states I was uncooperative. I was fully cooperative allowing the belongings were being removed. The fact that I questioned Officer Vitale's advice was then reported as uncooperative. This officer stated in Jessica presence, my wife and I, that she was permitted to return anytime and break in to my house. I had previously stated she was on probation. My attorney subsequently confirmed for me the officer's advice was wrong. In another attempt to influence me to cooperate, Office Hughes stated he served 4 years in the military. I stated in return, I had served in the Air Force and Navy for a total of 30 years.

Officer Vitale also reported in error that the 911 call was made on 27 Jan when in fact it was on 26 Jan. This shows a lack of attention to detail, or worse, on an official police report.

I believe there are two cases of misconduct here:

1. Officer Michael Vitale **documenting a false statement in a police report.** This is the most egregious. **Four witnesses can attest to the fact that Dakota did not curse** the officer. They are; my wife (Patricia Shaffer), Cari Swick, Dakota Swick and myself. Officer Vitale was not even in the house. Deputy Hughes who was on the phone did not make the cursing allegation in his report. His portion amazingly was redacted out of the report given to me.

2. Officer Michael Vitale **advising the home owner (a 30 year Vet) and a person on probation she was allowed to break and enter after she has moved out. This is dangerous for all concerned and encourages illegal behavior.**

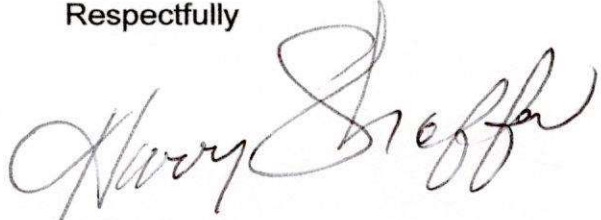
I don't believe this **officer should be permitted to tell untruths to non-suspects** and on **official reports**. I further believe the report with selected

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portions redacted was very suspicious. Please look into this matter at your earliest opportunity. I look forward to a response that will restore some confidence in the police department.

Note that the complaint was drafted immediately after the incident to document my concerns. It was not submitted until; the delay was to ensure the police would not be vindictive in testimony against my grandson. The charges were finally dropped by the ADA on 7/21/2016.

Respectfully

A handwritten signature in cursive script, appearing to read "Harry Shaffer".

Harry Shaffer  
Retired Captain USN